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Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2264

Introduced by

Senators Kannianen, Boehm, Rust

Representatives B. Anderson, Fegley, Longmuir

A BILL for an Act to amend and reenact sections 49-22-08.1, 49-22-08.2, 49-22.1-06, and 49-22.1-07, and 49-22.1-08 of the North Dakota Century Code, relating to notification to landowners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-22-08.1 of the North Dakota Century Code is amended and reenacted as follows:

49-22-08.1. Application for a permit - Notice of filing - Amendment - Designation of a route.

1. An application for a route permit for an electric transmission facility within a designated corridor must be filed no later than two years after the issuance of the certificate and must be in such form as the commission may prescribe, containing the following information:
   a. A description of the type, size, and design of the proposed facility.
   b. A description of the location of the proposed facility.
   c. An evaluation of the proposed route with regard to the applicable considerations set out in section 49-22-09 and the criteria established pursuant to section 49-22-05.1.
   d. A description of mitigative measures that will be taken to minimize all foreseen adverse impacts resulting from the location, construction, and operation of the proposed facility.
   e. A description of the right-of-way preparation and construction and reclamation procedures.
   f. A statement setting forth the manner in which:

(1) The utility will inform affected landowners of easement acquisition, and necessary easement conditions and restrictions.

(2) The utility will compensate landowners for easements, without reference to the actual consideration to be paid.

g. Such other information as the utility may consider relevant or the commission may require.

2. After determining that the application is complete, the commission shall serve a notice of filing of the application on such persons and agencies that the commission may deem appropriate and shall publish a notice of filing of the application in the official newspaper of each county in which any portion of the designated corridor is located.

3. A copy of the application shall be furnished to any person or agency, upon request to the commission within thirty days of either service or publication of the notice of filing.

4. Within thirty days following service of the notice of filing of a complete application by the commission, the applicant shall provide a copy of the commission's notice of filing of the application by first-class mail to the owner of record of any land located within the requested corridor. For purposes of this subsection, the owner of record means the owner identified by the county treasurer to receive the real estate tax statement.

5. An application for an amendment of a permit shall be in such form and contain such information as the commission shall prescribe.

~~5.~~6. The commission shall designate a route for the construction of an electric transmission facility following the study and hearings provided for in this chapter. This designation shall be made in accordance with the evidence presented at the hearings, an evaluation of the information provided in the application, the criteria established pursuant to section 49-22-05.1, and the considerations set out in section 49-22-09 in a finding with reasons for the designation, and shall be made in a timely manner no later than six months after the filing of a completed application. The time for designation of a route may be extended by the commission for just cause. The failure of the commission to act within the time limit provided in this section shall not operate to divest the commission of jurisdiction in any permit proceeding. Upon designation of a route the commission shall issue a permit to the applicant with such terms, conditions, or modifications deemed necessary.

SECTION 2. AMENDMENT. Section 49-22-08.2 of the North Dakota Century Code is amended and reenacted as follows:

49-22-08.2. Combining application - Notice of filing.

A utility may file a separate application for a certificate or a permit, or combined into one application. If a combined application is filed, the applicant shall mail a notice of filing in a single mailing to the owners of record as required under sections 49-22-08 and 49-22-08.1.

SECTION 3. AMENDMENT. Section 49-22.1-06 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-06. Application for a certificate - Notice of filing - Amendment - Designation of a site or corridor.

1. An application for a certificate must be in the form prescribed by the commission containing the following information:
   a. A description of the size and type of facility.
   b. A summary of any studies that have been made of the environmental impact of the facility.
   c. A statement explaining the need for the facility.
   d. An identification of the location of the preferred site for any gas or liquid energy conversion facility.
   e. An identification of the location of the preferred corridor for any gas or liquid transmission facility.
   f. A description of the merits and detriments of any location identified and a comprehensive analysis with supporting data showing the reasons why the preferred location is best suited for the facility.
   g. A description of mitigative measures that will be taken to minimize all foreseen adverse impacts resulting from the location, construction, and operation of the proposed facility.
   h. An evaluation of the proposed site or corridor with regard to the applicable considerations set out in section 49-22.1-09 and the criteria established pursuant to section 49-22.1-03.
   i. Any other information as the applicant considers relevant or the commission may require.

2. After determining the application is complete, the commission shall serve a notice of filing of the application on those persons and agencies the commission deems appropriate and shall publish a notice of filing of the application in the official newspaper of each county in which any portion of the site or corridor is proposed to be located.

3. A copy of the application must be furnished to any person or agency, upon request to the commission within thirty days of either service or publication of the notice of filing.

4. Within thirty days following service of the notice of filing of a complete application by the commission, the applicant shall provide a copy of the commission's notice of filing of the application by first-class mail to the owner of record of any land located within the requested corridor. For purposes of this subsection, the owner of record means the owner identified by the county treasurer to receive the real estate tax statement.

5. An application for an amendment of a certificate must be in the form and contain the information as the commission prescribes.

~~5.~~6. The commission may designate a site or corridor for a proposed facility following the study and hearings provided for in this chapter. Any designation must be made in accordance with the evidence presented at the hearings, an evaluation of the information provided in the application, the criteria established pursuant to section 49-22.1-03, and the considerations set out in section 49-22.1-09 in a finding with reasons for the designation, and must be made in a timely manner no later than six months after the filing of a completed application for a certificate of site compatibility or no later than three months after the filing of a completed application for a certificate of corridor compatibility. The time for designation of a site or corridor may be extended by the commission for just cause. The failure of the commission to act within the time limits provided in this section does not operate to divest the commission of jurisdiction in any certification proceeding. The commission shall indicate the reasons for any refusal of designation. Upon designation of a site or corridor, the commission shall issue a certificate of site compatibility or a certificate of corridor compatibility with the terms, conditions, or modifications deemed necessary.

SECTION 4. AMENDMENT. Section 49-22.1-07 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-07. Application for a permit - Notice of filing - Amendment - Designation of a route.

1. An application for a route permit for a gas or liquid transmission facility within a designated corridor must be filed no later than two years after the issuance of the certificate and must be in the form the commission prescribes, containing the following information:
   a. A description of the type, size, and design of the proposed facility.
   b. A description of the location of the proposed facility.
   c. An evaluation of the proposed route with regard to the applicable considerations set out in section 49-22.1-09 and the criteria established pursuant to section 49-22.1-03.
   d. A description of mitigative measures that will be taken to minimize all foreseen adverse impacts resulting from the location, construction, and operation of the proposed facility.
   e. A description of the right-of-way preparation and construction and reclamation procedures.
   f. A statement setting forth the manner in which:
      (1) The utility will inform affected landowners of easement acquisition, and necessary easement conditions and restrictions.
      (2) The utility will compensate landowners for easements, without reference to the actual consideration to be paid.
   g. Any other information the utility considers relevant or the commission requires.
2. After determining the application is complete, the commission shall serve a notice of filing of the application on those persons and agencies the commission deems appropriate and shall publish a notice of filing of the application in the official newspaper of each county in which any portion of the designated corridor is located.
3. A copy of the application must be furnished to any person or agency, upon request to the commission within thirty days of either service or publication of the notice of filing.
4. Within thirty days following service of the notice of filing of a complete application by the commission, the applicant shall provide a copy of the commission's notice of filing of the application by first-class mail to the owner of record of any land located within

the requested corridor. For purposes of this subsection, the owner of record means the owner identified by the county treasurer to receive the real estate tax statement.

5. An application for an amendment of a permit must be in the form and contain the information the commission prescribes.

~~5.~~6. The commission shall designate a route for the construction of a gas or liquid transmission facility following the study and hearings provided for in this chapter. This designation must be made in accordance with the evidence presented at the hearings, an evaluation of the information provided in the application, the criteria established pursuant to section 49-22.1-03, and the considerations set out in section 49-22.1-06 in a finding with reasons for the designation, and must be made in a timely manner no later than six months after the filing of a completed application. The time for designation of a route may be extended by the commission for just cause. The failure of the commission to act within the time limit provided in this section does not operate to divest the commission of jurisdiction in any permit proceeding. Upon designation of a route the commission shall issue a permit to the applicant with the terms, conditions, or modifications deemed necessary.

SECTION 5. AMENDMENT. Section 49-22.1-08 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-08. Combining application - Notice of filing.

A utility may file a separate application for a certificate or a permit, or combined into one application. If a combined application is filed, the applicant shall mail a notice of filing in a single mailing to the owners of record as required under sections 49-22.1-06 and 49-22.1-07.